IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.2278 OF 2006

Ramchandra Moreshwar Worlikar, .. Petitioner
Vs
1. Pravin Bhagwan Worlikar & ors. .. Respondents.

Mr Amit Shastri i/by M/s Khilnani & Co. for the petitioner.

CORAM : D.B.BHOSALE,J.
DATE : 12.09.2006
PC:

1. Heard the learned counsel for the petitioner.

2. This petition is directed against the order dated 29.11.2005 passed by the trial court rejecting the application filed by the petitioner under Order 1, rule 10 of the Code of Civil Procedure, seeking his impleadment in the suit on the ground that he is a co-owner of the suit property. I perused the plaint and in particular prayers made therein as also the observations made by the learned Judge in paragraph 4 of the impugned order. Looking to the limited question involved in the suit as to whether the notice issued by the Bombay Municipal Corporation under section 342 of the Mumbai Municipal Corporation Act, 1888 is legal and valid, I am satisfied that the present petitioner is neither a necessary party nor proper party in the present suit. If the petitioner has any right in the

property and desires to claim any relief against the respondent-plaintiff, he may do so by adopting appropriate proceedings against him. The trial Court has rightly rejected the application for the reasons recorded therein. The order impugned is just and proper and deserves no interference by this Court under Article 227 of the Constitution of India. The writ petition is accordingly dismissed.

(D.B.BHOSALE,J.)